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R. J. L.

A LETTER

TO

ISAAC TOMKINS AND PETER JENKINS

ON

PRIMOGENITURE.

BY

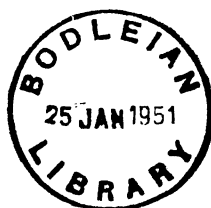
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A LETTER,

&c.

GENTLEMEN,

PERMIT me to offer to your consideration a few remarks on a question closely connected with that which forms the subject of your two most interesting pamphlets; I mean the law and custom of primogeniture; a matter on which discussion cannot be mischievous, but, on the contrary, if my view of the subject be a just one, in this, above all other cases, must be productive of immediate advantage; for the disposition of property in this country being entirely unlimited as to the objects in whose favour it is to be exercised, no legislative interference is necessary to put an end to the practice of giving, by will or settlement, the whole or the bulk of the fortune of the family to the eldest son. As to the law of descent, which, in case of intestacy, gives the land of the parent to him, to the exclusion of the other children, who have an equal, if not a greater claim to a provision, it can need no argument to point out its injustice, hardship, and absurdity. A man having no personal estate may die intestate, leaving ten children infants, and £10,000 a year in land; the eldest takes

all, the rest starve. Unfortunately, however, this law has for so long a period obtained over a very great portion of the civilized world, that few persons give themselves the trouble to reflect for a moment on its origin, but take it for granted that it is something fixed in the order of nature, and would look upon a departure from it as a sacrilegious violation of first principles, tending to subvert our most venerable and settled institutions. Whereas the law of primogeniture is, in fact, only a consequence of the feudal system which prevailed over the greatest part of Europe, and which still exercises a vast and, I believe, a most pernicious influence in this country. In those parts of Europe where that system has never been established, the law of primogeniture is by no means universal, and where it does obtain, it has probably been introduced from some neighbouring feudal nation, qualified as it is to flatter the vanity and increase the consequence of the rich and powerful.

According to the writers on the feudal law, the lands held by the tenant were not at first hereditary, but were given for life only; and on the decease of the tenant were bestowed on another, qualified to perform the military services required in return. In process of time the children of the tenant were preferred to strangers; and the eldest, as usually the best qualified to bear arms, being

most frequently selected, that which was at first a favour grew up into a right, and descent to the eldest son became established as one of the first principles of our law.

Hereditary peerage, and the existence of manors or feudal seigniories, of which other lands were holden, and which could not without difficulty be divided, likewise tended to strengthen and confirm the system which was thus introduced.

This I believe to be a correct sketch of the history of that law of descent, which, though in consequence of the practice of making settlements on marriages and the power of disposing of land by will, introduced by statute in the reign of Henry VIII., it rarely in a technical sense takes place, has, nevertheless, had the greatest influence on our present social system, and has established that practice which it is my object to show to be pernicious to the state, and destructive of the happiness of private families. And what are the advantages which arise from the institution of primogeniture, and what inconvenience would result from the equal partibility of inheritance? We are told that great hereditary fortunes are the main stay and prop of our constitution; that primogeniture preserves among us a class who furnish us with statesmen and legislators, who relieved from the necessity of acquiring for themselves a fortune, have full leisure to bestow their

entire energies on the study of our history and institutions, and of those objects which tend to promote the general good of that country in whose well-being they have so great a stake as the accumulated possessions of their ancestors. As to this favourite topic, of a stake in the country, I do not believe that a man's patriotism will be found to vary in exact proportion to his property: it is true that in all countries there are to be found needy and rapacious persons, who would be glad to break up the vessel of the state, in order to enrich themselves by picking up fragments of the wreck, but surely the great mass of the people are not thus degraded; the humbler classes, and education will make them know it, are more immediately concerned in good government even than the richer: it is for the protection of the weak against the strong that government exists. Money may enable a rich man to bear up against oppression; the law alone can protect the poor. When the legislature, as in this country, has been long in the hands of the wealthy, they are apt to confound and mistake their interests and convenience for those of society at large, and thus to perpetuate regulations from which they alone derive advantage. Removed by their station from immediate contact with the poor, they have but a superficial knowledge of their habits; they are no judges of the measures of punish-

ment which they inflict upon them. What appears to a lordly legislator a slight pecuniary mulct is often sufficient to deprive a family of a week's subsistence, and to drive them to the parish for support. On these grounds, I contend the mere possession of large property, which is all that primogeniture insures, is by no means a sufficient and unobjectionable qualification for a legislator. Besides, does wisdom follow primogeniture? has the eldest son a monopoly of the sense and talents of the family? In that case, indeed, hereditary dignity would be the height of wisdom. Is it true that the leisure thus obtained by one member of a family is bestowed upon the public? Are our peers and wealthy commoners, the first born of the land, employed in the study of history and politics, in deep meditation on trade and finance, in the cultivation of science, and the general improvement of the nation? Some there are, it is true, who are thus distinguished, but these form but an honourable exception—a small minority. Science is not a plant which flourishes in the hot-bed of primogeniture. It is not even cultivated as an amusement in our higher circles. Some few women, perhaps, above the fear of being supposed to possess information, may trifle away an idle hour at the Royal Institution or the Adelaide Street Gallery, and behold the beautiful experiments exhibited there with the curiosity of a child at

a peep-show, heedless of the still more beautiful principles they unfold. Not only are our aristocracy negligent of science in their own persons, they seek not even the royal road to distinction, unless we except some few whose vanity is flattered by the addition which the fellowship of the Royal Society bestows upon their name. The arts contribute to their luxury, and therefore they are patronized ; but who thinks of bestowing the smallest fraction of his income on a speculation so unprofitable as the advancement of science ?—Even public aid, if ever indeed given, is bestowed with niggardly parsimony and reluctance. Strange to say, it has been reserved to the Tories to direct the royal bounty to scientific merit. In this land of primogeniture science has receded perhaps as it advanced elsewhere. Have our wisest legislators been found among those whom primogeniture has placed in unearned affluence ? “ No argument like matter of fact is.” The great leaders of the Tories, from whom alone they expect the salvation of the country, are, the one a third brother, the other the son of a manufacturer, who, by his own exertions, had raised himself to political consequence. Is not our House of Lords the gulf where improvement is swallowed, instead of the spring whence, according to this argument, it should flow down upon the country ? Is an hereditary peerage so great a blessing as to counterbalance the evils of primogeniture, by

which it is supported?—Far from it. The end is almost as pernicious as the means. Some of the absurdities of our peerage have been well exposed by you: its uses and merits have been so long taken for granted, that the arguments by which they are displayed are by many persons forgotten. Perhaps Mr. Richards, that chosen champion, will enlighten us on the subject of its advantages. Is it that a peeress may loll in the solitary dignity of a tawdry *vis-a-vis*, perhaps unpaid for, surmounted with the tinsel emblems of her rank, with a cluster of able-bodied footmen at her back, or pelt her waiting-maids if they bungle at her toilette? Is it that rank may gild over vice, and that in the refined air of courtly circles women may be received and patronized, who would be denied access to the society of the middle classes? Is it that crowds of insolent pampered menials may be maintained in idleness? Is it that Sunday whist parties may defy Sir Andrew Agnew and his saintly coadjutors, that primogeniture and hereditary peerage prevail among us? The crown alone, of all dignities, should be hereditary. An hereditary peerage, and the clan-like aristocracy supported by primogeniture, form a kind of artificial scum on the surface of society, and unworthily usurp the place which, according to the natural order of things, would be occupied by more deserving and useful objects, taken from among our

wealthy and intelligent merchants and manufacturers, who are thus depressed below their proper station. The constitution of England, it is true, permits merit to rise with a considerable degree of freedom, but unfortunately the exclusive privileges conferred by it prevent demerit from freely sinking : and thus the intelligent and industrious of the higher ranks are swamped by the idle and foolish majority. We are told that large estates tend to give stability to our institutions, and to prevent changes and alterations from being too rapidly effected. I am far from doubting the policy of the existence of a second deliberative body, less likely to be affected by popular clamour and to be run away with by vague theories and speculations than those who depend immediately on the people ; but surely the opposition of our aristocracy has amounted to more than to mere slowness : they have exhibited not the moment of inertia, but a determined and blind resistance. To recur to the steam-engine, from which the metaphor of the fly-wheel has been so often borrowed, they have not acted the part of the governor, but have screwed down the safety-valve. Besides, what effect has mere accumulation of property in causing caution and deliberation, independent of the existence of a second chamber. With an intelligent House of Lords, even though their lands were permitted to descend according to the law of nature, the danger of injudicious

innovation would be far more effectually prevented than at present, when their alternate resistance and defeat have lost them the confidence and respect of the country, and when, after a fruitless opposition, they are compelled, with a bad grace and wry faces, to swallow measures they detest. We are next told that without primogeniture families could not be preserved from decay, and fortunes from dissipation ; that without it, those splendid mansions, which are the peculiar boast of England, could not be transmitted from the founder to his descendants ; that thousands of acres, which now are preserved entire more at least than one generation in the same family, would soon be divided among a multitude of small proprietors. This latter part of the argument will hereafter be considered, but in the mean time I must be permitted to doubt, whether by the law of primogeniture, or indeed by any mode of settlement which can be devised, it is possible to effect that which appears contrary to every analogy of nature. Mountains and islands, nations and races have been gradually destroyed and replaced by others ; and so while the industry and talents of individuals will constantly raise families from obscurity and poverty to distinction and wealth, the indolence and folly of their successors will lay the foundations of decay, which, in spite of artificial support and exclusive privileges,

will reduce them to their former level. And are these boasted palaces, these splendid seats, really beneficial to the country? are they more than mere monuments of pride? It may be urged that they contain expensive libraries, beyond the reach of men of ordinary fortune; collections of statues and galleries of pictures of the highest public value and utility; that trade and commerce receive infinite benefits from their existence. Far be it from me to depreciate that which has so great a tendency to soften and humanize a people, as a taste for the beauties of the fine arts; but surely these collections, accessible to few, and from which the poorer classes are excluded, can have no very extensive effect upon the public manners. This argument is worth more than those who use it imagine, but its tendency is against them. The humbler ranks of life are by no means incapable of this enjoyment; in France, scarcely a town is to be found which does not possess a collection, to which all decent persons are indiscriminately admitted: and this, perhaps, may be one cause of that superiority in the taste of French productions, which so greatly contributes to their popularity in this country. Surely it would be far more conducive to the cultivation of the fine arts and the advancement of learning and science, were the private collections of this country superseded by public establishments, to which all classes might

resort. That monopoly of the taste for practical mischief enjoyed by the English might disappear, were opportunity for rational recreation and amusement afforded them, and a degree of decency might thus be introduced into our national manners, which would enable us to contrast with more advantage with other countries. Commerce would receive greater benefits from the natural distribution of wealth by the increased and steady demand for those objects which mainly contribute to our comfort, than from the variable and fluctuating trade in the fantastical luxuries of a few. Besides, how often does not it happen that the owners of some of our finest palaces are ruined by the expenses incident to their erection and maintenance, and are reduced in fact, to a kind of splendid misery, being deprived by the ruinous cost of their establishment of the free enjoyment of the real blessings of life, which their income, if not thus burthened, would obtain for them. The younger branches of the family are necessarily but slenderly provided for, in order that the patrimony may be bestowed entire on the favoured one. As long as the family continue in childhood they are, with the exception perhaps of that adulation which sycophants and flatterers too early bestow upon the eldest, brought up alike,—they enjoy the same luxuries, they form the same friendships, they acquire the same tastes, they learn to relish the

same society—but when they arrive at the age of manhood, they begin to feel their different position in the scale of social life. Who is there that has not seen the difference of the reception of the members of the same family in this town? The younger brother is eyed with coldness and jealousy, while the eldest is received with flattering solicitude, with welcome and cordiality. To the younger the society of women is denied. He is forbid to aspire to the affection of those with whom he was born on an equality, but below the reach of whom he is degraded by the operation of this law. He may, indeed, mend his fortune, by taking up with some worn-out titled dowager, or rich ill-tempered fright; but to him love “founded in reason, loyal, just, and pure,” is a blessing unattainable. The fortune and circumstances of him upon whom the property of the father will descend is that which gives the tone to that society in which a family is placed, and the artificial accumulation of wealth upon one has thus the effect of raising the standard, under which parents will not permit their daughters to marry. It aggravates the distance between the various members of society in a twofold manner, by causing an artificial elevation on the one side, and an artificial depression on the other; and this to a degree greater than may at first be imagined. It is not merely the land of the parent which may be affected by this law.

He who is heir to his father may be heir to many—he who is not can be heir to none. The rich man may receive unintentional additions to his estate; he may receive intentional bequests from those whose dispositions are formed upon the law. Not so the poorer younger brother. No landed windfall can come to him. If he receive any thing it must be by the special grace and favour of the donor. Primogeniture draws an invidious distinction between persons who frequent the same company. It tends to establish a class who are more or less excluded from all society: from that in which they were born, for want of means to retain their places; and from that below them, by the feeling and habits of the other: a younger brother is somewhat in the situation of Mahomet's coffin. A man may be mortified because he cannot obtain admission to society he covets, but it is something more than mortification to be excluded from society to which he naturally belongs, and which he has just begun to relish.

It may be urged, that whether primogeniture prevail or not, as long as differences of fortune exist those who possess the greatest wealth will meet with the greatest attention among the children of this world. This nobody can doubt for a moment. The superior attention paid to wealth is natural; but primogeniture draws an artificial line. It makes a gulf between members of the same family,

the nearest and most intimate relations. It gives birth to arrogance in the place where it is most intolerable. Where property is left to follow its natural course, persons in nearly equal circumstances will fall into the same society, but primogeniture causes a subdivision in the same class, from the painful operations of which it is difficult to escape. Were there no distinction between the eldest and the youngest children, were the property of families distributed equally, young women and their mothers would be content to dispense with many luxuries which at present they regard almost as the necessaries of life, because others enjoy them ; and thus the decent comforts of domestic enjoyment would be placed within the reach of a larger number of persons of both sexes, and the aggregate of happiness in the country increased. It is indeed true that the liberal professions are open to all ; but let me observe, that there is no period in the life of man in which he so greatly needs the comfort and solace of domestic affection as when he is first struggling with the difficulties of life : when he has attained rank, wealth, and distinction, he has passed that time when the social affections take deepest root in the heart. He has other objects to occupy his mind ; society, business, and ambition, are then all he cares for. It is in the first moments of professional life, when daily and

repeated mortification is to be borne, that the support and consolation of female tenderness are the most needed. It is from this that a man acquires fresh courage to face the difficulties of his profession, and to endure the anguish of disappointment, which none but those who have felt it can imagine; and this the scorpion must bear alone and unpitied, that his idle elder brother may keep a carriage and horses for his wife. I am firmly convinced that the younger sons of a private gentleman are the persons of all others the least favourably circumstanced to get on in a profession. The wisest plan, now that there is no war to provide for them, is to send them to make their fortunes and lose their health in India. It often happens that those who are debarred the society of virtuous women will have recourse to the company of the degraded; and this is an evil which surely has some weight, when opposed to the supposed benefits of primogeniture. Besides, this system, however it may contribute to preserve property in a direct line of descent, has likewise no small tendency to defeat its own end. As the heir apparent, in cases where the property is in settlement, is absolutely beyond the control of his father, his conduct is not influenced by fear of his displeasure; the certainty of succession enables him to obtain the means of present gratification. How many of our landed proprietors,

when they come into possession of their patrimony, are grievously hampered with unpaid bills, annuities, and post-obits. It is perhaps to primogeniture that we are indebted for Crockford's—How many heirs apparent are ruining their fortunes there or at Newmarket, or breaking their necks at Melton; and yet these very men, however little they may have to recommend them but their fortunes or expectancies, are sure of a favourable reception in society, and indeed are only too much embarrassed by the attentions they meet with from chaperons and mothers. To these the insolent leaders of fashion and the exclusives of Almack's will cringe and bow with disgusting meanness, as they proffer their decked-out daughters to their choice. No matter what may be the morals of the object of their attention; no matter whether he be selfish or generous, good-tempered or violent, gentle or brutal; nor whether the claims of a wife be forestalled by others of a nature less respectable, so long as he possess the one great recommendation of being an elder son. While prizes like these remain in the matrimonial lottery, the younger, blanks, are rejected and despised. And this leads me to consider the effect of primogeniture on the female sex. The law does not apply to them directly; landed property, descending to females, is equally partible among them, and in many instances custom follows the law, and thus the evils of

primogeniture are in some slight degree mitigated : in others, however, the eldest daughter supplies the want of an elder son, and the bulk of the fortune is settled upon her. Perhaps I might claim the authority of Lord Eldon himself, and he is surely no opponent of primogeniture, as adverse to this species of accumulation. In no instance is a large fortune more dangerous to the owner than when placed in the hands of an unprotected female ; she is marked out by the rapacious of all classes of gentility as their devoted prey, and too often is sacrificed to supply the want of money of a younger brother or the extravagance of an elder. But as those families in which there is no son form but a very small proportion of the whole, it is the distribution of property among men in which women are most interested. It needs no argument to point out that what is commonly called settling in life, is far more necessary to the happiness of women than of men. Women enjoy none of the professional resources of the other sex ; they cannot wander about the world to divert themselves ; they have no clubs or cheap luxuries of that kind. Their education, perhaps especially among the higher orders, is greatly neglected ; they are not taught habits of thought and reflection, by which alone the mind can be trained to endure mortification with cheerfulness and patience. In this state of things the support and pro-

tection of a husband is most eminently needed. But now comes the difficulty. The number of men and women are pretty nearly equal in the world, the number of elder sons but small. Every man, says Adam Smith, has a peculiar confidence in his own good luck. Every woman, perhaps, in her good luck and good looks combined. Every one thinks that she has a better chance than her neighbours of securing a matrimonial prize; and if a daughter's generosity or folly lead her to prefer a younger brother, the superior sagacity and prudence of her mother will speedily set the matter right; access will be denied him, perhaps some history of a flirtation with another conjured up, or if he confide his wishes to the fair one's parents, she may not be informed of his proposal, while he will be repelled with insult, and informed that he is guilty of the very height of presumption in entertaining the feelings that God and nature have planted in him. In short, to use the language of political economists, the supply of wives exceeds the demand. Hence arises the noble science of matrimonial angling. The noblest and most amiable part of our species are turned into so many artificial flies to tickle and catch the human trout. Flimsy accomplishments are substituted for solid education; the adornment of the person for that of the mind; dress takes the place of literature; singing and dancing, instead of being re-

garded, one as a pleasant way of beguiling a cheerless hour, the other as a means of securing a graceful deportment, are ends seriously pursued for their own sake. While the mother superintends the maid or the milliner as she sews the gown on her daughter's back ; while she watches with respectful deference Mr. Nisbett or Mr. Woodman, as he decks or disfigures her hair with the orthodox ornaments prescribed by fashion, or plasters the curls with rice water to her temples, her daughter's morals are left pretty nearly to form themselves, and her reading confined to fashionable novels or trumpery annuals. The whole soul of the mother is bent on securing the benefit of an establishment ; no time is to be lost, the future is left to take care of itself ; present attraction is all that is thought of. Conscious that the chances are against her, the market being overstocked, no manœuvre is missed, no opportunity neglected, and much may be, and is, done by the good management of a judicious chaperon. The gaudy bait is skilfully played before the eyes of the destined victim—the fine-drawn slender line is invisible—the simple object of these arts, perhaps just twenty-one and fresh from college, sees and desires, thinks all is gold that glitters, he nibbles ; should some other sister of the hook interfere, and try to lure away the prey, falsehood and slander lend their aid to defeat her intrigues ; just when the swain begins to think himself in

love, the bait is withdrawn, he follows, and at last takes it. But with matrimony comes repentance. Scarce is the honeymoon passed, when he finds out the deception which has been practised; he discovers that instead of an amiable companion, who can enliven moments of dulness as well as partake of the pleasures of gaiety, he has married an empty, selfish, heartless, frivolous person, who cares not a sixpence for any thing but his fortune, and who looks upon him only as the peg upon which her establishment hangs: but it is too late to recede; he may, indeed, "flounce indignant of the guile," but the line of matrimony is too strong to be broken. The natural consequence follows; the gentleman amuses himself with a mistress, the lady with a lover. This may be thought a picture too highly coloured; but I do maintain that it is the tendency of primogeniture to generate this spirit of rapacity and artifice; it even tends to make sister rival sister, and perhaps a whole family pull caps for one man. May be, indeed, under the pressing exigencies of circumstances, a rich grocer or tea-dealer is suffered to purchase his admission into the ranks of gentility by taking some unsaleable commodity off her mother's hands. If no such thing as primogeniture existed, if things were left to follow their own course and permitted to flow in their natural channels, this disparity between the demand and supply would vanish;

this urgent necessity to be the first in the field and to secure the first rich fool, boy, or booby, that might offer would disappear; women would mate with their equals, and though Hyde Park might not exhibit so long a line of carriages on a Sunday, nor the opera so splendid an attendance on a Saturday, yet the number of old maids at Bath and of divorces at Doctors' Commons would be diminished. Independent of this indirect evil, women receive beyond all comparison the greatest injury from primogeniture, and especially the daughters of the nobility. Their luxuries in youth are greater, and their privations in after life (I speak of those who do not marry) in general more severe than those of the daughters of our commoners. The provisions for the younger children of peers are often more slender than those for the younger branches of the higher classes of the gentry. Two reasons contribute to this; the facility of quartering them on the public, and the necessity of preserving as large a portion as possible of the patrimony, to follow the descent and support the dignity of the title. A strange sort of dignity indeed, which has its very foundation in state pauperism. Thus those who were nursed in the lap of luxury, who fluttered most gaily through the feverish dream of fashion, are turned adrift in their maturer years, when mortification and neglect press most closely upon them, to hide themselves in

some cheerless and obscure abode, shorn of the splendour, and even of the comforts, they enjoyed when young. It may, perhaps, be urged that only large estates, which can well bear the burden of ample provisions for younger children, are made subjects of settlement. I have already shown that this does not apply to the peerage, and the objection itself is not founded in fact. The lower are prone to imitate this as well as other follies of the higher order, and many very small portions of landed property are as strictly tied up as the fortune of a duke.

But does the existence of this law or custom cause an addition to the wealth or intelligence of the country at large. On the contrary, by depriving one whole class of a motive to exertion, its tendency is directly opposite. The mass of property in the country is the same whether distributed among many or among few. To attempt the artificial distribution of it among all would be idle and absurd; but to attempt its artificial accumulation is equally so. That wealth has a tendency to accumulate, witness the fortunes realized by our manufacturers and merchants; that it has a tendency also again to distribute itself, is proved by the decay of families once rich and powerful: it is, like the rain, in a perpetual course of circulation. The less any government interferes with this free circulation the nearer it approaches to

perfection. The sons and immediate progeny of him who has realized a large fortune may indeed enjoy in idleness the fruits of their father's industry ; but this cannot, except in some few cases, be extended to the remoter issue, unless by depriving the younger branches of the family of those blessings and comforts that are dearest to man. In catholic countries, where daughters are forced into convents that they may not be a burden to their families, the greater flagrancy of the evil causes it to be more easily recognised and admitted, but the principle is equally pernicious in this country.

It will be objected, I doubt not, that one class of society, the country gentlemen; would disappear from among us were this law or custom (call it what you will) to be discontinued : but it may be questioned whether this would be an evil, and whether a subdivision of landed property into portions, sufficiently large, however, for the profitable employment of capital, is not greatly to be desired. It may be urged that the owner of a large landed property has a kind of patriarchal duty to perform, that he is somewhat in the nature of a petty prince, and that by a mild and judicious government of his tenantry and people, he is able to promote civilization and intelligence among them. This, however, does not affect the argument as regards settlements of personal property on

the eldest: and even in landed estates, why should the accident of birth alone determine the individual? Disposition, character, abilities, and temper, on which, in irresponsible governments, entirely depends the happiness of inferiors, are wholly and avowedly out of the question: nay, more, the very adulation, which at home among servants and humble dependents, and at school and college among sycophantic associates, an heir apparent is certain to meet with, prevent his acquiring that knowledge of the world and acquaintance with human nature, which are so greatly requisite for the conduct of a large property, with a view to the prosperity and welfare of its occupiers: and I much doubt, whether the country gentlemen, improved as they are since the days of Squire Western, are to be considered as a class in any great degree conducive to the public good. It is true there are to be found in England, men who to large property join high-minded and liberal notions, and who have a deep sense of the duties which the possession of large estates impose upon them, and whose presence at their country seats tends to the improvement of their humbler neighbours; but even here, the seeds of good they sow contain within themselves the principles of decay, the people are taught to depend on others for improvement. But how many of these favourable cases do we meet

with? Are the inhabitants of these large domains, the sturdy, independent yeomen we have been taught to admire? Are they not too often a race of needy, degraded farmers, void of every particle of intelligence, worshippers of Tories, because in Tory times the price of corn was high, from whom their half-yearly rent is with difficulty squeezed, and who, to crown the matter, having a legal vote, without the slightest particle of independence, are the means in the hands of their equally bigotted landlords of subverting the independence of their country? The accumulations of landed property caused by primogeniture, added to the insidious measure of the division of counties and the £50 clause in the Reform Act, which operates like the law giving a plurality of votes in parish matters, has converted some of our counties into little better than select vestries. Often too, the squires and owners of the large properties are the most exclusive in their enjoyment of them, and the least regardful of the rights and welfare of others. Our jails are filled, that the game which they pamper for their amusement may not be disturbed in its repose. I seek not to justify poaching; but I maintain that the unnatural quantity of game which many of the large landed proprietors collect together in their preserves, is the main cause of its prevalence, by holding out an almost irresistible temptation to take that which our laws once declared

to be the property of no man. To the country gentlemen we owe the evils which the new Poor Law Bill was introduced to remedy, with them would disappear our game laws, and our corn laws would be more easily abolished. Primogeniture itself could not prop up the families of the aristocracy did not the Corn Laws step in to their aid. Were the occupiers the owners of the land they cultivate, we should hear no more of the necessity of Corn Laws. Were they repealed, many of our smaller squires would descend from the empty dignity of embarrassed gentlemen to the independence of yeomen; and the owners of large estates, those at least where the land was not of very superior quality, would be glad to dispose of their property at very moderate prices to purchasers willing to undertake its cultivation. Our yeomanry would thus be restored, and we should get rid of a class of persons of very questionable use, the mere "*fruges consumere nati*," and that without interference with property further than demolishing a monopoly and abuse, in which one class, indeed, have long claimed a fee simple. That system of things cannot but be contrary to nature, which requires an unjust law like primogeniture, and a tax on the prime necessary of life, to support it; and to which sinecures in church and state are incidental evils. I believe our country gentlemen to be eminently unfit for the management of our

jails ; and, in short, were a national system of education, and a well organized paid magistracy established, I think the proprietors and occupiers of land would speedily learn to manage their own matters better than the best committee of the most active country justices, and that the disappearance of the country gentlemen, instead of an objection, would be found an additional argument on my side. Nor should we by this be deprived of an aristocracy ; the intelligence distributed through the country would not be diminished, far otherwise. The mansions, the palaces, the manors, which now are possessed by those who too often inherit the prejudices as well as the estates of their ancestors, would pass into the hands of men of far greater ability and acquirement, who would bring into agriculture some portion of that acuteness of mind and intensity of purpose by which the means of their purchase were acquired, and by which that, which though the most complicated, is the most neglected of our arts, might receive that scientific cultivation which alone can enable the British to compete with the foreign corn grower.

Instead of a prejudiced, illiterate, rural aristocracy, who almost admit that their only attachment to the country is to be found in their love of field sports, we should possess an opulent, independent, intelligent, and productive class of men, who would partake in the

general improvement of the nation; among whom public opinion would exercise its due and fair influence, and who would be above the agitation now caused by the cry in favour of corn laws, and the repeal of the malt tax.

. Besides, then, if property remained long in the same line, the antiquity and permanence of a family would be a proof of its respectability and intelligence.

Were this change effected, the facilities of the transfer of property would be greatly increased. Property would not be, as it too often is under the existing state of things, mortgaged or incumbered nearly to its full value: it would be under the entire dominion of the apparent owner, and thus the real objection of the landholder of the present day to a registry, the fear of exposing the actual state of his circumstances, would disappear; and were that once in full operation, the circulation of landed property would be so greatly facilitated and cheapened, that the smallest portions would be with ease reunited, and thus the objection to the mischief of too great subdivision be entirely removed.

I think the custom of primogeniture has had no small share in causing the evils under which we at present labour. What was it that made parliamentary property so valuable? Surely it could not be the mere desire of distinction that caused persons taking no active part in our debates, to

squander such vast sums on the purchase of close boroughs. It was the certainty that borough influence was the most effectual method of obtaining ministerial patronage as a provision for the younger branches of a family. It is a well known fact that a certain noble duke by his will bequeathed annuities to his younger children, to endure only until such times as they should obtain public places or employments of a certain value. It was this ready means of providing for the Lord Johns, and Lord Thomases, while the bulk of the family estate remained entire, that caused the borough system to take such deep hold in the affections of our aristocracy; it was in defence of this that we entered into the French war, from which we may date our downfall. I think it is in Sheridan's Trip to Scarborough that a noble lord is introduced as recommending his brother to take to robbing on the high road as a means of subsistence. The spirit of this advice has long been acted on. Our sinecurists and pensioners were little better than legalized plunderers, they indeed had "the receipt of fern seed, they stole invisible," while they "preyed on the commonwealth and made her their boots;" but those happy times are gone, those glorious days are now no more. The reforms which have taken place in our public institutions and expenditure, and which are about to be introduced into our

church, will compel our aristocracy to provide for their younger children out of their patrimony. The axe is laid to the root of the evil. To conclude, I can only compare the custom of primogeniture to an idol, to which we have offered the prosperity of our nation, and continue to sacrifice the happiness of our families. Many an estate, which if sold would produce an ample provision for a whole family, is tied up with an entail, and hampered with debts and provisions for younger children, so that the owner is reduced to distress, and his brothers to poverty. We thus prefer things to persons, and gratify the vanity of the few at the price of the misery of the many.

I am well aware that these hasty remarks which I have scribbled down as they arose in my mind, may appear to you trifling and ridiculous. However, my hope is not to convince, but to excite attention, that abler heads than mine may take up the subject.

I remain, Gentlemen,

Your obedient humble Servant,



TIMOTHY WINTERBOTTOM.

